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RECEIVED
AUG 23 1995
M.P.C.A.
Water Quality Div.

August 24, 1995

Mr. Duane L. Anderson
Section Manager
Monitoring and Assessment Section
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

RE: Fond du Lac Band of Chippewa Application for
Designation as a State Under the Clean Water Act

Dear Mr. Anderson:

Our office had previously received correspondence Ms. Conerton of the Attorney General's Office regarding any comments we may have in reference to the above referenced matter. Ms. Conerton welcomed any comments we may have on behalf of Carlton County regarding certain jurisdictional issues in the application made by the Fond du Lac Band of Chippewa.

Because of the timing of the comment provisions, I am not in a position to either confirm or deny any of those territorial or boundaries identified in the application and/or the identification of any surface waters. Without having additional time, Carlton County would not be able to acknowledge the accuracy of that information contained in the application.

In speaking with Ms. Conerton and her colleague, Mr. Cool, also in the Attorney General's Office, it was my understanding that the State would make comment on certain

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jurisdictional issues in reference to what, if any jurisdiction the Fond du Lac Band of Chippewa would have over non-reservation watersheds and/or individuals that are not members of the Band that reside within the boundaries of the Reservation.

Mr. Bruce Benson, Zoning and Planning Administrator for Carlton County, advised me that because of the sovereign status of the Fond du Lac Band of Chippewa, the County does not assert control or enforcement of it's Zoning Ordinances on members of the Fond du Lac Band of Chippewa on the Reservation. However, there is a water plan that is now in effect which addresses ground and surface waters within Carlton County, including non-member land within the Reservation boundaries.

The plan is administered by an advisory committee and is not regulatory in its nature. Ms. Marna Butler-Fastland is the Water Plan Coordinator and is responsible for a fair amount of education and providing advisory type recommendations as they relate to a broad spectrum of water plan issues. As stated, the committee is not regulatory and only effects non-Band real estate.

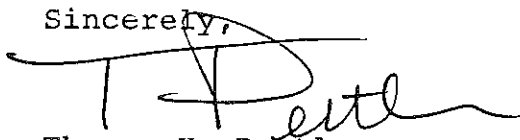
Without having discussed this matter with the Board of Commissioners, it would be my opinion, standards enacted by the Band if it is granted "State" status, should not apply to non-Band members within the Reservation or real estate situated outside of the delineated boundaries of the Reservation.

I had informed Ms. Conerton and Mr. Cool that I would respond to the request for comments and have done so in a very cursory fashion because of my recent Court calendar that has left little time for a thorough review of the applicable law and inability to discuss the application at length with other individuals that would have additional insight.

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I hope that you will keep me advised of these proceedings
and feel free to contact me with any questions or
comments.

Sincerely,

A handwritten signature in dark ink, appearing to read 'T. H. Pertler', with a horizontal line drawn across the top of the signature.

Thomas H. Pertler
Assistant Carlton County Attorney

THP/ams

cc: Ms. Beverly Conerton, Esq.
Assistant Attorney General

Mr. Rick Cool, Esq.
Assistant Attorney General

